



**Project title:** Proposed Ordinance amending Ordinance 2784-04 to align motorized scooter regulations with bicycle regulations and other State laws related to motorized foot scooters

## City Council Agenda Item Cover Sheet

**Council Bill #**

CB 2003-15

**Agenda dates requested:**

3/11/2020

Briefing ☒

Proposed action

Consent

Action

Ordinance

Public hearing

Yes ☒ No

**Budget amendment:**

Yes ☒ No

**PowerPoint presentation:**

Yes ☒ No

**Attachments:**

Amended ordinance

**Department(s) involved:**

Administration, Everett PD,  
Public Works, Legal

**Contact person:**

Julio Cortes

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**Initialed by:**

Department head

Administration

Council President

**Consideration:** Approve scooter ordinance amendments

**Project:** Motorized foot scooter ordinance amendments

**Partner/Supplier :** Multiple departments

**Location:** City of Everett

**Preceding action:** Pilot program introduction 5/15/2019

**Fund:** NA

**Fiscal summary statement:** None.

**Project summary statement:**

Through a scooter sharing pilot program in 2019, Everett residents showed support for the use of motorized scooters to travel within the City.

Staff suggests, where reasonable, to align motorized scooter regulations with bicycle regulations and other state laws related to motorized foot scooters to provide residents and visitors consistent rules and more opportunities to use this method of transportation.

Motorized foot scooters promote positive impacts on the environment and traffic by providing residents and visitors to Everett an alternative to transportation by car.

**Recommendation (exact action requested of Council):**

Adopt an Ordinance amending Ordinance No. 2784-04, to align motorized scooter regulations with bicycle regulations and other State laws related to motorized foot scooters.





**ORDINANCE NO. \_\_\_\_\_**

An Ordinance Relating to Motorized Foot Scooters, amending Ordinance No. 2784-04, as amended (chapter 46.80 EMC)

**WHEREAS,**

- A. The rideshare industry has developed to include methods of transportation beyond motor vehicles, such as motorized scooters.
- B. Through a scooter sharing pilot program in 2019, Everett residents have shown support for the use of motorized scooters to travel within the City.
- C. Motorized foot scooters also promote positive impacts on the environment and traffic by providing residents and visitors to Everett an alternative to transportation by car.
- D. It is appropriate, where reasonable, to align motorized scooter regulations with bicycle regulations and other state laws related to motorized foot scooters to provide residents and visitors consistent rules and more opportunities to use this method of transportation.
- E. The City Council finds that updating the motorized foot scooter ordinance will promote the welfare of the general public and promote the economic development by allowing motorized scooters to be a viable, alternative method of transportation that will beneficially impact the environment and traffic congestion.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Section 1 of Ordinance 2784-04, as amended (codified at EMC 46.80.010), is amended as follows, with strikeouts deleted and underlining added:

The provisions of this chapter shall apply to motorized foot scooters ~~and to all other wheeled recreational devices that are not otherwise regulated by state law.~~ The regulations of this chapter shall not apply to any vehicle used by a disabled person in accordance with Chapter 46.19 RCW.

**Section 2.** Section 2 of Ordinance 2784-04, as amended (codified at EMC 46.80.020), is amended as follows, with strikeouts deleted and underlining added:

A. "Central business district" means the area in zone UM designated as "Parking Area A" in chapter 19.34 of the Everett zoning code.

B. "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof located within the city limits of the city of Everett.

C. "City property" means all property owned or controlled by the city, including without limitation, all city rights-of-way that are not a city street or sidewalk.

~~C.D.~~ "Motorized foot scooter" means a device with ~~no more than two~~ or three ten-inch or smaller diameter wheels that has handlebars, a floorboard that can be is designed to be stood upon while riding or sat upon by the operator, and is powered by an internal combustion engine or electric motor that has a maximum speed of no greater ~~is capable of propelling the device with or without human propulsion at a speed of no more~~ than twenty miles per hour on level ground. For the purposes of this definition, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

~~B. "Wheeled recreational device" means any wheeled recreational object designed to propel the person using that object with an internal combustion engine or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain and display a Washington State vehicle license (Chapter 46.16A RCW). For purposes of this chapter, "wheeled recreational device" does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).~~

~~C. "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof located within the city limits of the city of Everett.~~

~~D. "City property" includes all city rights of way, as defined in the city of Everett zoning code.~~

~~D.E.~~ "Rules of the road" means all rules applicable to vehicle, bicycle, motorized foot scooter, or pedestrian traffic as set forth in state or local law ~~statute~~, rule or regulation.

F. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property set aside and intended for the use of pedestrians, or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

~~F. "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system, with a label~~



required by the Federal Consumer Products Safety Commission standards for bicycle helmets as adopted by the Code of Federal Regulations, 16 CFR 1203, and which is marked with durable labeling in accordance with 16 CFR 1203.6.

G. ~~\_\_\_\_\_~~ The regulations of this chapter shall not apply to any vehicle used by a disabled person in accordance with Chapter 46.19 RCW

**Section 3.** Section 3 of Ordinance 2784-04, as amended (codified at EMC 46.80.030), is amended as follows, with strikeouts deleted and underlining added:

A. It is unlawful for any person to operate a motorized foot scooter ~~or other wheeled recreational device~~:

1. In excess of fifteen miles an hour on a city street, sidewalk, or other city property upon which this ordinance authorizes the operation of motorized foot scooters;

2. On any city street, sidewalk, or other city property, as authorized by this Ordinance, unless such person is sixteen years of age or older;

23. With a passenger in addition to the operator;

4.3. On any city street with a maximum speed limit above ~~twenty-five~~thirty miles per hour, unless the device is operated within a designated bicycle lane;

54. On any city property that is not a city street, sidewalk, or paved bicycle lane, except as otherwise expressly authorized by this Ordinance; provided that it is unlawful to operate a motorized foot scooter on any sidewalk within the Central Business District except as necessary to enter or leave adjacent property;

65. In any park; except upon such areas authorized for use by motor vehicles, such as parking lots;

6. ~~Upon any bicycle path or trail that is not a designated bicycle lane, or upon any equestrian, hiking or recreational trail;~~

7. ~~Upon any sidewalk, except as may be necessary to enter or leave adjacent property;~~  
or

8. On any ~~posted~~ private or public property posted to exclude or restrict motorized foot scooters.

B. Any person operating a motorized foot scooter ~~or other wheeled recreational device~~ shall obey all the rules of the road, as well as the instructions of official traffic control signals, signs, and other control devices ~~applicable to vehicles~~, unless otherwise directed by a police officer.

C. No motorized foot scooter ~~or other wheeled recreational device~~ shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For purposes of this section:

1. To operate in a negligent manner means the operation of a motorized foot scooter or other wheeled recreational device in such a manner as to endanger or be likely to endanger any person or property.

2. Operation of a motorized foot scooter in excess of 15 miles per hour shall be prima facie evidence of operation in a negligent manner.

**Section 4.** Section 4 of Ordinance 2784-04, as amended (codified at EMC 46.80.040), is amended as follows, with strikeouts deleted and underlining added:

A. Every motorized foot scooter when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector. ~~Any person operating a motorized foot scooter or other wheeled recreational device upon any city street shall wear a helmet and shall have the neck or chinstrap of the helmet fastened securely while the device is in motion.~~

B. Regardless of subsection A above, Mmotorized foot scooters ~~and other wheeled recreational devices~~ may not be operated at any time from twelve a.m. to five a.m. ~~one-half hour after sunset to one-half hour before sunrise without reflectors of a type approved by the state patrol.~~

**Section 5.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 6.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 7.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.



**Section 8.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

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Cassie Franklin, Mayor

ATTEST:

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Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

